

STANDARD APPLICATION
Harford County
Board of Appeals
Bel Air, Maryland 21014

APR 25 2006

Case No. 5536
Date Filed 4/18/06
Hearing _____ Date _____
Receipt 6400.00

SHARFORD COUNTY COUNCIL
Shaded Areas for Office Use Only

Type of Application

- ☐ Administrative Decision/Interpretation
☐ Special Exception
☐ Use Variance
☐ Change/Extension of Non-Conforming Use
☐ Minor Area Variance
☐ Area Variance
☐ Variance from Requirements of the Code
☐ Zoning Map/Drafting Correction
☒ Modification of Condition and Site Plan

Nature of Request and Section(s) of Code

CASE 5536 MAP 33 TYPE Special Exception

ELECTION DISTRICT 03 LOCATION 2628 Rocks Road, Forest Hill 21050

BY Kelly and Geraldine McGill

Appealed because a modification of a special exception granted by Board of Appeals

Case #5484 to permit the subject parcels to be reconfigured so that the parcel containing
the existing dwelling can be sold requires approval by the Board.

NOTE: A pre-conference is required for property within the NRD/Critical Area or requests for an Integrated Community Shopping Center, a Planned Residential Development, mobile home park and Special Exceptions.

Applicant/Owner (please print or type)

Name Kelly F. McGill Phone Number Call Attorney

Address 2628 Rocks Road Forest Hill MD 21050-1502
Street Number Street City State Zip Code

Co-Applicant Geraldine A. McGill Phone Number _____

Address 2628 Rocks Road Forest Hill MD 21050-1502
Street Number Street City State Zip Code

Contract Purchaser N/A Phone Number _____

Address _____
Street Number Street City State Zip Code

Attorney/Representative John J. Gessner Phone Number 410-893-7500

Address 11 South Main Street Bel Air MD 21014
Street Number Street City State Zip Code

Land Description

Address and Location of Property 26.21 acres Rocks Road North of Forest Hill; Lot 2 4.9 acres 2628 Rocks Road McGill Farm
PT 89/84

Subdivision McGill Farm Lot Number 2

Acres/Lot Size 26.21 +/-; 4.9 +/- Election District 3 Zoning AG

Tax Map No 33 Grid No. 3C Parcel 424; 26 Water/Sewer: Private X Public

List ALL structures on property and current use: single family detached dwelling; 3 metal buildings residential; construction services
and suppliers use; commercial vehicle and equipment storage

Estimated time required to present case: 30 minutes

If this Appeal is in reference to a Building Permit, state number N/A

Would approval of this petition violate the covenants and restrictions for your property? N/A

Is this property located within the County's Chesapeake Bay Critical Area? Yes No X

If so, what is the Critical Area Land Use designations:

Is this request the result of a zoning enforcement investigation? Yes No X

Is this request within one (1) miles of any incorporated town limits? Yes No X

Request

See attached

Justification

See attached

If additional space is needed, attach sheet to application. In answering the above questions, please refer to the Requirements that pertain to the type of approval request. (Special Exception, Variance, Critical Area or Natural Resource District (NRD) Variance, etc.)

3 : 4/18/06

2 : 22509

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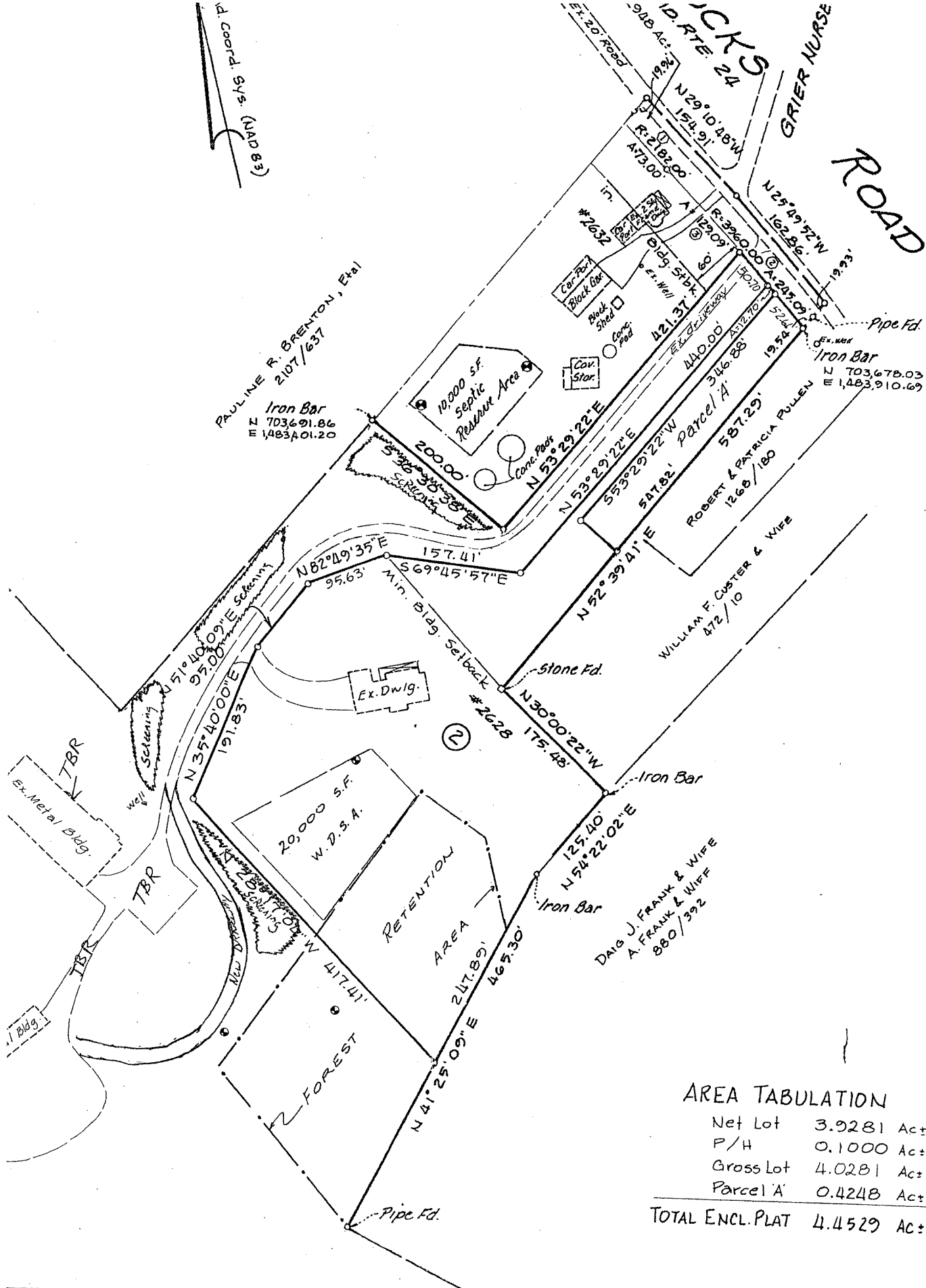
**ATTACHMENT TO APPLICATION OF KELLY F. MCGILL AND GERALDINE
A. MCGILL**

REQUEST:

1. Modification of site plan and condition imposed in Board of Appeals Case No. 5484 prohibiting sale of either of two parcels which comprise the subject property.

JUSTIFICATION:

The Applicants wish to construct a new, second dwelling on the subject property, in the vicinity of the existing metal building to be removed, to subdivide the property in a manner different than originally proposed, to sell Lot 2 containing the existing dwelling as shown on the attached site plan to a third party and possibly sell Parcel A as shown on the attached site plan to a third party. No changes to the operation of the Applicants' business are proposed. Approval of the Applicants' request will cause no adverse impact to adjoining property owners. Applicants will enter into a common driveway agreement to recorded among the Land Records of Harford County, Maryland encumbering Lot 2 and the remaining property to be retained by the Applicants which will disclose the fact that Applicants will conduct the approved hauling and excavating business from the remaining property.



AREA TABULATION

Net Lot	3.9281 Ac±
P/H	0.1000 Ac±
Gross Lot	4.0281 Ac±
Parcel 'A'	0.4248 Ac±
TOTAL ENCL. PLAT	4.4529 AC±

ORDING STAMP

one of the
rds of Harford
ed per
Clerk.

The Owner hereby grants, to Harford County, Maryland, an easement for the construction, maintenance, repair and replacement of water, sewer, and storm drainage lines within the drainage and utility easements and road improvement rights-of-way as shown on the plat.

Unless otherwise provided on this plat, the streets, roads, open spaces and public sites shown hereon, and the mention thereof in deeds are for the purpose of description

REVISED FINAL I
Revision to Lot

DAVID R. CRAIG
HARFORD COUNTY EXECUTIVE

LORRAINE COSTELLO
DIRECTOR OF ADMINISTRATION



C. PETE GUTWALD
DIRECTOR OF PLANNING & ZONING

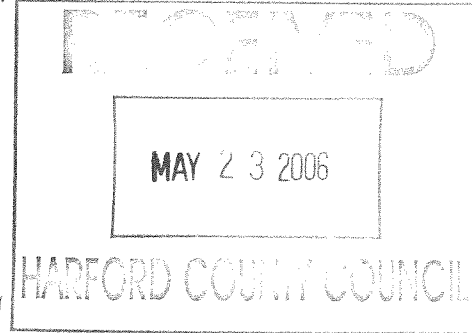
HARFORD COUNTY GOVERNMENT

Department of Planning and Zoning

May 8, 2006

STAFF REPORT

BOARD OF APPEALS CASE NO. 5536



APPLICANT/OWNER: Kelly F. McGill
2628 Rocks Road, Forest Hill, Maryland 21050-1502

Co-APPLICANT: Geraldine A. McGill
2628 Rocks Road, Forest Hill, Maryland 21050-1502

REPRESENTATIVE: John J. Gessner
Attorney at Law
11 South Main Street, Bel Air, Maryland 21014

LOCATION: 2628 Rocks Road – McGill Farm
Tax Map: 33 / Grid: 3C / Parcel: 424 and 26 / Lot: 2
Election District: Three (3)

ACREAGE: 26.21 acres and 4.9 acres

ZONING: AG/Agricultural

DATE FILED: April 18, 2006

HEARING DATE: June 14, 2006

APPLICANT'S REQUEST and JUSTIFICATION:

See ATTACHMENT 1.

CODE REQUIREMENTS:

Preserving Harford's past; promoting Harford's future

MY DIRECT PHONE NUMBER IS (410) 638-3103

220 SOUTH MAIN STREET BEL AIR, MARYLAND 21014 410.638.3000 • 410.879.2000 • TTY 410.638.3086 • www.harfordcountymd.gov

THIS DOCUMENT IS AVAILABLE IN ALTERNATIVE FORMAT UPON REQUEST.

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Board of Appeals Case Number 5536

Kelly and Geraldine McGill

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The Applicants are requesting a modification of a Special Exception granted by the Board of Appeals in Case 5484 to permit the subject parcels to be reconfigured so that the parcel containing the existing dwelling can be sold.

LAND USE and ZONING ANALYSIS:

Land Use – Master Plan:

The Applicant's property is located north of Forest Hill, on the west side of Rocks Road (MD Route 24), across from Grier Nursery Road. A location map and a copy of the Applicant's site plan are enclosed with the report (Attachments 2 and 3).

The subject property is located just north of the Village of Forest Hill, and is outside of the Development Envelope. The predominant land use designation is Agricultural. The Natural Features map reflects Deer Creek Scenic River Districts, Sensitive Species Project Review Areas, stream systems, and Agricultural Preservation Districts and Easements. The subject property is designated Agricultural, which is defined by the 2004 Master Plan as:

Agricultural – Areas where agriculture is the primary land use, but where developments rights are available. Residential development is possible at a density of 1.0 dwelling unit for every 10 acres. Commercial uses within this area are intended to serve the agriculture industry or residents of the area while maintaining the character of the surrounding countryside.

Enclosed with the report are copies of portions of the 2004 Land Use Map and the Natural Features Map (Attachments 4 and 5).

Land Use – Existing:

The existing land uses in this area of the County are consistent with the 2004 Master Plan. There is a mix of agricultural and residential uses. Commercial uses are located to the south around the Village of Forest Hill. The topography in this general area of the County ranges from rolling to steep especially near Deer Creek and its many tributaries. Enclosed with the report is a copy of the topography map and the aerial photograph (Attachments 6 and 7).

The Applicant owns a 4.9 acre lot and a 26.21 acre parcel that total approximately 31.11 acres with a total of 116-feet of frontage on Rocks Road. The property is unusually shaped with a mix of open land and dense woodland. The topography is typical for the area ranging from rolling to steep. There is a stream that traverses the property. Improvements consist of a 2-story dwelling with an attached 2-car garage that is located to the left of the driveway, approximately 650-feet back from Route 24. Continuing back approximately 1050-feet from the road and to the right of the driveway is a large metal agricultural building that is presently being dismantled and will soon be removed from the property. This is the location the Applicants propose to construct a new dwelling. Approximately 1200-feet back from Route 24 are two metal buildings, a large concrete pad, an area where the Applicant parks and stores his trucks and equipment used in his

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Board of Appeals Case Number 5536

Kelly and Geraldine McGill

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business. Due to the topography none of the improvements except for the top of the roof of the dwelling are visible from the road.

Grading has begun to create a new driveway approximately 100 foot from the existing. Mr. and Mrs. McGill wish to sell the existing house and build a new home on the remaining property. Trees will be planted along the property line to screen the driveway from the existing dwelling. Mr. McGill shall be responsible for the maintenance of the driveway as long as he operates the construction equipment onsite. Enclosed with the report are site photographs along with an enlargement of the aerial photograph (Attachments 8 and 9).

Zoning:

The zoning classifications in the area are consistent with the 2004 Master Plan as well as the existing land uses. The predominant zoning classification is AG/Agricultural. Residential zoning ranges from RR/Rural Residential to VR/Village Residential. Commercial zoning includes VB/Village Business and CI/Commercial Industrial. The subject property is zoned AG/Agricultural as shown on the enclosed copy of the zoning map (Attachment 10).

SUMMARY:

The Applicants are requesting a modification of a Special Exception granted by the Board of Appeals in Case 5484 (Attachment 11) to permit the subject parcels to be reconfigured so that the parcel containing the existing dwelling can be sold.

The applicant received approval from the Board of Appeals to operate his business and store commercial vehicles on the property in August of 2005 (Case 5484). Condition number 4 required the applicant to adjust the property boundaries of the two parcels to provide required setbacks. Condition number 7 states that the approval shall terminate upon the sale of the property or excavating business. The applicants are requesting approval to construct a new home on the parcel containing the business and be able to sell lot 2 containing the existing dwelling. The site plan submitted by the applicants shows the proposed adjustment of the property lines as required in condition 4.

The applicant proposes to create a common drive agreement for the two lots. This would provide disclosure to the future purchasers of lot 2 that a business and construction vehicle storage will be conducted on the large parcel (lot 3). The Department would recommend that Mr. McGill be responsible for the maintenance and repair of the driveway for as long as the business is operated from lot 3.

RECOMMENDATION and or SUGGESTED CONDITIONS:

The Department of Planning and Zoning recommends that the request to modify the original conditions of approval in Case 5484 be approved subject to the following conditions:

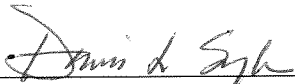
STAFF REPORT

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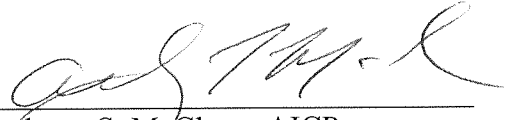
Kelly and Geraldine McGill

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1. The Applicant plant trees along the driveway to provide screening for the existing dwelling on lot 2.
2. A landscaping plan shall be submitted to the Department for review and approval.
3. The applicant shall be responsible for the maintenance and repair of the driveway for as long as the business is operated on site (lot 3).
4. All other conditions from case #5484 shall remain in effect.
5. The approval is for the applicants only and shall terminate upon the sale of the property (lot 3) or the excavating business.



Dennis J. Sigler, Coordinator
Zoning & Board of Appeals Review



Anthony S. McClune, AICP
Deputy Director, Planning and Zoning

DJS/ASM/jf